THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.185 OF 2000.

DATED 11-08-2005

Between:

1. Isukapalli Venkateswara Rao, s/o Suryanarayana,

@ Surya Rao, Cultivation, Hindu, 34 years,

Kotikesavaram, Korukonda Mandal,

East Godavari District **and another**

…. Petitioners

A n d

1. The Mandal Revenue Officer, Devipatnam,

East Godavari District **and another.**

…. Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.185 OF 2000.

ORDER:

This writ petition is filed seeking a mandamus to declare the action the respondents in taking steps to dispossess the petitioners from their land admeasuring Ac.2-55 cents each, covered by R.Sy.No.34 of Devaram village of Devipatnam Mandal, East Godavari District, as arbitrary and illegal.

It is the case of the petitioners that they inherited the properties from their ancestors, who purchased the same from one Manyam Gangaraju, a non-tribal. It is

stated that said Gagaraju purchased the land in question in the auction conducted by the Revenue Inspector, R.Chodavaram on 08-03-1944 as per the decree in O.S.28 of 1941, on the file of Sub-Collector, Rajamundry. Further, reliance is also placed on the order passed by the Settlement Officer under the provisions of Regulation 2 of 1970.

Though counter-affidavit is filed on behalf of the respondents, the above aspects were not denied. However, it is stated that the Settlement Officer erred in granting patta to the petitioners, who are non-tribals, without causing proper enquiry. Even according to the averments in the counter-affidavit, the order passed by the Settlement Officer has become final and the same is not annulled by the appellate authority or by the revisional authority. As much as the petitioners are claiming possession by virtue of purchase from a non-tribal and further in view of the orders of the Settlement Officer, Rajamundry, dated 06-12-1975 passed in ROC.No.307, the petitioners cannot be dispossessed from the land in question, as otherwise than due process of law. As the order passed by the Settlement Officer is in force, the respondents are directed not to interfere with the possession of the petitioners.

Writ petition is accordingly disposed of. No order as to costs.

_____

11-08-2005.

Lrkm.